

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CANDICE P. WARREN,)	
)	
Plaintiff,)	
)	Case No. 1:23-cv-01199
v.)	
)	Hon. Elaine E. Bucklo
MILLENNIUM HOTELS & RESORTS)	
D/B/A MILLENNIUM)	Magistrate Judge Jeffrey Cole
KNICKERBOCKER CHICAGO,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Defendant Millennium Hotels & Resorts D/B/A Millennium Knickerbocker Chicago (“Millennium” or “the Company”), by its undersigned counsel, submits this Motion to Dismiss Candice P. Warren’s (“Plaintiff”) complaint (“Complaint”) pursuant to Fed. R. Civ. P. 12(b)(6).

1. The allegations contained in the Complaint fail to show that Plaintiff has stated any claim upon which relief can be granted.

2. Plaintiff has not alleged a prima facie case for any of her retaliation or discrimination claims, because she is still employed with Millennium and has not alleged an adverse employment action.

3. Plaintiff cannot maintain a race-based harassment claim because the handful of isolated conversations unrelated to race (or any other protected category) that she overheard and were not directed towards her are not sufficiently severe or pervasive to have created a hostile work environment.

4. Plaintiff’s FMLA interference claim suffers the same fate. Although the Company’s human resources team initially mistakenly believed Plaintiff was ineligible for FMLA

because of a break in service, she did not suffer any prejudice as a direct result. When Plaintiff renewed her request for information regarding FMLA leave, the human resources team provided her with the contact information for Millennium's third-party benefits provider, and Plaintiff received her requested FMLA benefits.

5. Accordingly, the Complaint should be dismissed in its entirety with prejudice because Plaintiff's personal grievances with her coworkers are not actionable, and further pleading would not cure the deficiencies.

6. Millennium references and incorporates all arguments set forth in its accompanying Memorandum in Support of its Motion to Dismiss as though set forth herein.

WHEREFORE, for all of the reasons stated herein, Millennium requests that the Court enter an Order dismissing Plaintiff's Complaint in its entirety with prejudice and grant such further relief as the Court deems proper and just.

Dated: March 28, 2023

Respectfully submitted,

**MILLENNIUM HOTELS &
RESORTS D/B/A MILLENNIUM
KNICKERBOCKER CHICAGO**

By:

/s/ Richard J. Mrizek
One of Its Attorneys

Richard J. Mrizek
James Hager
Jackson Lewis P.C.
150 North Michigan Avenue
Suite 2500
Chicago, IL 60601
Phone: (312) 787-4949
Facsimile (312) 787-4995
Richard.Mrizek@jacksonlewis.com
James.Hager@jacksonlewis.com

CERTIFICATE OF SERVICE

I, Richard J. Mrizek, an attorney, certify that on this 28th day of March 2023, I caused a true and correct copy of the foregoing **Defendant's Motion to Dismiss Plaintiff's Complaint** to be filed with the Clerk of the Court using the Electronic Filing System, which will send notification of such filing to all counsel of record.

/s/ Richard J. Mrizek